IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 16.12.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition No.48960 of 2006
& M.P.No.1 of 2006

N.R.Dave .. Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Chennai.

2.The Assistant Executive Engineer,
Corporation of Chennai,
Zone V, Division-64,
Chennai-600 003. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records relating to the proceedings of the first respondent dated 30.11.2006 and quash the same.

For Petitioner : Mr.R.Saravanakumar
For Respondents : Mr.V.Bharathidasan

ORDER

(Order of the Court was delivered by P. SATHASIVAM, J.)

Aggrieved by the proceedings of the first respondent viz., the Commissioner, Corporation of Chennai, dated 30.11.2006, the petitioner has filed the above writ petition to quash the same.

2. On direction Mr.V.Bharathidasan takes notice for the respondents.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

3.The only grievance of the petitioner is that against the proceedings of the first respondent, appeal lies to Standing Committee, Corporation of Chennai under Section 366 of Chennai City Municipal Corporation Act (hereinafter referred to as "the Act"). According to the petitioner, on receipt of the earlier order issued under Section 256(3) of the said Act, he preferred an appeal to the Standing Committee, Corporation of Chennai, on 12.12.2006. It is the grievance of the petitioner that till the said appeal is disposed of by the authority concerned, the respondents are not permitted to take further action. He also brought to our notice that the appeal papers were received by the Standing Committee, Corporation of Chennai on 12.12.2006.

4. In view of the above factual information and of the fact that the petitioner has already availed the appeal remedy under Section 366 of the Act, we are of the view that ends of justice would be met by directing the Standing Committee, Corporation of Chennai, to consider and dispose of the appeal of the petitioner dated 12.12.2006, in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. Till such final decision is taken by the Standing Committee, the impugned proceedings of the first respondent dated 30.11.2006 is suspended.

5. The writ petition is ordered accordingly. No costs. Consequently, M.P.No.1 of 2006 is closed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

To

1.The Commissioner,
Corporation of Chennai,
Chennai.

2.The Assistant Executive Engineer,
Corporation of Chennai,
Zone V, Division-64,
Chennai-600 003.

3. The Standing Committee
Corporation of Chennai, Chennai - 3

+ one cc to Mr. R. Saravanakumar, Advocate sr no. 63051

JSK(CO)
NM(16.12.2006)

W.P.No.48960 of 2006

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/